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2 **UNITED STATES DISTRICT COURT**
3 **CENTRAL DISTRICT OF CALIFORNIA**
4

5 North Point America, Inc.,

6 Plaintiff(s),

7 v.

8 Shecom, et al

9 Defendant(s).
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Case No.: CV-02-7631-RJK

**ORDER RE: TRIAL PREPARATION
FOR JURY TRIALS**

14 The above-mentioned action is set for trial before United States District Judge Robert J.
15 Kelleher. In order to guide counsel in preparing for trial, the Court makes the following
16 Order:
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18 **Jury Instructions and Verdict Form**

19 No later than **seven days prior to trial**, the parties shall file proposed Joint Jury
20 Instructions and a proposed Joint Verdict Form. In order to produce the joint instructions
21 and verdict form, the parties shall meet and confer sufficiently in advance of the required
22 submission date. Each proposed instruction must include a designation number, a
23 descriptive phrase, and a recitation of authority supporting such an instruction.

24 If disagreements cannot be resolved, the parties shall submit, in addition to the
25 agreed upon instructions and portions of the verdict form:

- 26 1. Those instructions and portions of the verdict form propounded by Plaintiff,
27 opposed by Defendant; and
28 2. Those instructions and portions of the verdict form propounded by

1 Defendant, opposed by Plaintiff.

2 For disputed instructions and portions of the verdict form, each party should note
3 its objections and its reasons for putting forth its alternative.

4 The Court insists upon receiving lucid and accurate instructions and verdict forms,
5 tailored to the facts of the case and setting forth the elements of each party's claims and
6 defenses. Instructions and verdict forms shall be brief, clear, concise, written in plain
7 English, free of argument and organized in a logical fashion so as to aid jury
8 comprehension. Standard or form instructions, if used, must be revised to address the
9 particular facts and issues of this case.

10 At the time the proposed Joint Jury Instructions and Joint Verdict Form are filed,
11 counsel shall file an additional copy of the documents on diskette in Word Perfect 7
12 format as a courtesy to the Court.

14 **Motions in Limine**

15 Motions in limine shall concern *only* the admissibility of evidence at trial. Any
16 such motion shall be noticed in accordance with the Local Rules. Such motions shall be
17 filed no later than **seven days prior to the start of trial**. It is the Court's customary
18 practice to defer ruling on motions concerning the admissibility of evidence until such
19 issues arise during the course of trial.

22 **Voir Dire**

23 The parties shall submit proposed voir dire questions, if any, to the Court no later
24 than **seven days prior to trial**. The Court does not utilize jury questionnaires in advance
25 of voir dire.

27 **Depositions Used During Trial**

28 If you intend to use depositions during trial for any purpose, including

1 impeachment, be prepared to lodge the original at any time during trial. If the original is
2 not available, be prepared to lodge a copy with a stipulation that the copy may be used as
3 if it were the original. The use of depositions at trial will not be permitted if the original
4 or agreed copy has not been lodged.

5 Where witnesses testify by deposition, please do the following:

- 6 1. Mark with colored pencil, in the original and/or copy of the deposition, the
7 proffered parts. Plaintiff will use *blue*; defendant will use *red*;
- 8 2. If there are objections to the underscored portions of the transcript, furnish a
9 written list of objections by page and line. Make any such objections
10 immediately prior to the use of the deposition at trial; and
- 11 3. In those instances when lengthy portions of deposition are to be read, please
12 make arrangements with opposing counsel in advance as to the manner of
13 presenting the testimony.

14 15 **Expert Witnesses**

16 Failure to include the name of an expert witness in the Pretrial Order precludes a
17 party from calling that expert witness at trial. An expert witness' direct testimony shall
18 consist exclusively of the expert's reading from his curriculum vitae and Rule 26 report.

19 20 21 **Preparation for the First Day of Trial**

22 On the first day of trial, report to the Courtroom at least fifteen minutes prior to the
23 scheduled time for trial and present the Courtroom Deputy Clerk with the following:

- 24 1. Exhibit List: **Three copies** of the joint exhibit list in the form specified in
25 Local Rule 16. Each exhibit must be clearly described, and must denote
26 any subparts that counsel may refer to individually (e.g., 3(a), 3(b), 3(c)). If
27 any exhibits are objected to, such objections must be noted on the list.
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Counsel shall meet no later than **ten days prior to the trial date** to stipulate so far as is possible those exhibits that may be received into evidence at the start of trial;

2. Witness List: **Three copies** of your witness list. Indicate which, if any, witnesses will testify by deposition; and

3. Exhibits: **Three sets** of exhibits, with tabs and **official exhibit tags** attached, bearing the same numbers shown on our exhibit list. Official exhibit tags are available from the receptionist in the main clerk's office, Room G-8. Each bound set of exhibits shall include an index identifying the exhibits.

Instructions to Counsel Governing Trial in this Court

The Court shall be addressed as "Your Honor" at all times.

Opening statements, examination of witnesses, and closing arguments shall be made from the lectern only. Do not approach the Court Clerk or the witness without specific permission from the Court.

Do not run out of witnesses. If you are out of witnesses and there is more than a brief delay, the Court may deem that you have rested.

IT IS SO ORDERED.

DATED: _____

ROBERT J. KELLEHER
United States District Judge